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AMARAVATI, MONDAY, JUNE 8, 2020

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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**COMMANDANT, HQRS,
A. P. SPECIAL PROTECTION FORCE,
TIRUPATI.**

Rc.No.26(TSSPF)/A3/Comdt.Hqrs/APSPF/TPT/2019-20,-

Date : 17-03-2020.

SHOW CAUSE NOTICE

O.E. AGAINST Sri P. BABU RAO, CT-5344 OF APSPF, COMMANDANT OFFICE, TIRUPATI - FORWARDING OF MINUTES COPY - FINAL EXPLANATION CALLED FOR.

- Ref : 1) T.O. Proceedings Rc.No.26(TSSPF)/A3/Comdt.Hqrs/APSPF/ TPT/2019, O.O.No.1223/2019, dated: 09.10.2019.
- 2) AOC: Rc.No.TSSPF/A3/PR/26/2019, dated: 10.04.2019 of the Commandant-III, TSSPF, Sec'bad.
- 3) Rc.No. 13/INSP/SPF/TTD/OE-5344/2020/D.NO.549, dated:04.03.2020 of the Inspector, APSPF, TTD Tirumala.

In the reference 1st cited, an Oral Enquiry was ordered against you in connection with the Article of Charge framed vide reference 2nd cited. Now the Enquiry Officer Sri P. Srinivasulu Reddy, Inspector, APSPF, TTD Tirumala has submitted Oral Enquiry report duly "**Proved**" the Article of Charge vide reference 3rd cited. A copy of the enquiry report is sent herewith, with instructions to submit your final explanation if any, in order to dispose off the Oral Enquiry.

Your explanation should reach this office within (10) days from the date of receipt of this Memo, failing which, the O.E. will be disposed off basing on the merits.

Dated: 17-03-2020.

Sd/-.,
*Commandant, Hqrs.,
A.P. Special Protection Force,
Tirupati.*

To:

Sri P. Babu Rao, CT-5344 of APSPF, Commandant Office, Tirupati.
thro' the Inspector (Admn), Commandant Hqrs., APSPF, Tirupati.

**IN THE DEPARTMENTAL ORAL ENQUIRY HELD AGAINST
SRI P.BABU RAO, CT-5344 OF SPF, TIRUPATI
(PREVIOUSLY WORKED AT TSSPF HQRS., SECUNDERABAD).**

*Submitted by
Inquiry Officer
Sri P.Srinivasulu Reddy,
Inspector, SPF, TTD, Tirumala
vide Rc.No.13/INSP/SPF/TML/OE
CT- 5344/2020, Dated: 04.03.2020.*

- 1) Under sub-rule (02) of Rule (20) of AP. Civil Services (CC&A) Rules 1991, I was appointed as Inquiring Authority by the Commandant, Headquarters, APSPF, Tirupati to enquire into the charge framed against Sri P. Babu Rao, CT-5344 of SPF, Tirupati (Previously worked at TSSPF HQrs., Secunderabad) vide Proceedings Rc.No.26(TSSPF)/A3/Comdt.Hqrs/APSPF/TPT/2019, O.o.No. 1223 /2019, Dt:09.10.2019. I have since completed my inquiry and on the basis of the documents and oral evidence adduced before me, I prepared my enquiry report as under:-
- 2) No presenting officer has been appointed.
- 3) The charged officer Sri P. Babu Rao, CT-5344 of SPF, Tirupati has not attended to the O.E on 02.12.2019 & 05.02.2020.
- 4) The following article of charge has been framed against Sri P. Babu Rao, CT-5344 of SPF, Tirupati.

ANNEXURE-I

Statement of Article of Charge framed against Sri P. Babu Rao, CT-5344 TSSPF, Hqrs, Secunderabad.

ARTICLE - I

That the said Sri P.Babu Rao, CT-5344, TS SPF Hqrs, Secunderabad was passported to avail (6) days CL from 26.02.2019 AN to 04.03.2019 AN. Instead of reporting back for duty on 05.03.2019 FN, he became OSL from CL w.e.f. 05.03.2019 FN without any intimation to his superiors. Subsequently, the Assistant Commandant, TS SPF Hqrs, Secunderabad and the Commandant-III, TS SPF, Secunderabad have sent two recall memos on 07.03.2019 and 27.03.2019 respectively, to his native address with instructions to report back from OSL immediately. On his personal appearance at TS SPF Hqrs, Secunderabad, he has been taken to duty on 28.03.2019 FN. Thus, he became OSL from CL w.e.f. 05.03.2019 FN to 28.03.2019 FN i.e., (23) days.

By the above act, he has exhibited gross negligence and dereliction towards his legitimate duties, which is un-becoming of a Government servant, thereby violating Rule-3 of APCS (conduct) Rules-1964.

ANNEXURE- II**List of Documents:**

- 1) AC, TSSPF, Hqrs Unit, Letter C.No.06/AC/TSSPF/Hqrs/CL-OSL/2019/133, Dt: 07.03.2019.
- 2) Recall Memo C.No.12/AC/TSPF/Hqrs/Recall-Memo/2019/134, Dt:07.03.2019 of the AC, TS SPF, Hqrs Unit, Secunderabad.
- 3) AC, TSSPF, Hqrs Unit, Letter C.No. 12/AC/TSSPF/Hqrs/OSL/2019/138, Dt:15.03.2019.
- 4) Recall Memo Rc.No.E3/TS SPF/Recall Memo/2019, Dt:27.03.2019 of the Commandant-III, TS SPF, Secunderabad.
- 5) Taken on duty Rc.No.TS SPF/A3/PR/26/2019, O.o.No.A-169/2019, Dt:04.04.2019 of the Commandant-III, TS SPF, Secunderabad.

ANNEXURE-III**List of witnesses:-**

- 1) The Asst. Commandant, TS SPF, Hqrs, Secunderabad.

5). CASE OF THE DISCIPLINARY AUTHORITY:

Sri P. Babu Rao, CT-5344 of TSSPF Hqrs, Sec'bad was pass ported to avail (6) days CL w.e.f. 26.02.2019 (AN) to 04.03.2019 (AN) to attend his wife's Brother Marriage. After availing (6) days CL, he has to report back for duties on 04.03.2019 (AN). But he did not do so and became OSL from CL un-authorisedly without any intimation to his superiors and he failed to inform his whereabouts to his superiors. Accordingly, he was treated as OSL from CL. In this regard the AC, TSSPF, Hqrs, Sec'bad has sent an OSL report to the Commandant-III, TSSPF Hqrs, Sec'bad vide C.No.6/AC/TSSPF/

Hqrs/CL-OSL/2019/133, Dt: 07.03.2019 **(Marked as Exhibit P.E-I)**. As per the instructions of Commandant-III, TSSPF, Sec'bad, the AC, TSSPF, Hqrs, Sec'bad has sent a recall memo to the native address of CT-5344 Sri P.Babu Rao vide Re-call Memo C.No. 12/AC/TSSPF/Hqrs/Re-call Memo/2019/134, Dt:07.03.2019 **(Marked as Exhibit P.E-II)** instructing him report for duties immediately otherwise necessary disciplinary action will be initiated against him. Further, the AC, TSSPF, Hqrs, Sec'bad has submitted a detailed report to the Commandant-III, TSSPF, Sec'bad vide C.No. 12/AC/TSSPF/Hqrs/OSL/2019/138, Dt: 15.03.2019 **(Marked as Exhibit P.E-III)** stating that a recall memo was sent to the native address of the CT-5344 Sri P.Babu Rao on 07.03.2019 and instructed him to report for duties immediately. But he failed to comply with the instructions of superiors and overstayed himself on his own accord and completed more than 10 days OSL. Accordingly, the Commandant-III, TSSPF Sec'bad has sent a recall memo to the native address of the CT-5344 Sri P. Babu Rao vide recall memo Rc.No.E3/TSSPF/Recall Memo/2019, Dt;27.03.2019 **(Marked as Exhibit P.E-IV)** instructing him to report for duties. The charged officer Sri P.Babu Rao, CT-5344 has reported at TSSPF, Hqrs, Sec'bad on 28.03.2019 (FN) along with a representation addressed to the Commandant-III, TSSPF, Sec'bad requesting to take him for duties. Accordingly, he was produced before the Commandant-III, TSSPF and he was taken to duty by the Commandant-III, TSSPF on 28.03.2019 (FN).

In this regard the Assistant Commandant, TSSPF, Hqrs, Sec'bad has sent a report to Commandant-III, TSSPF vide Rc.No.06./AC/Hqrs/TSSPF/OR/ (CT-5344)/2019, Dt:28.03.2019 **(Marked as Exhibit P.E-V)**. Subsequently, the Commandant-III, TSSPF, Sec'bad has issued taken on duty order vide Rc.No.TSSPF/A3/PR/26/2019, O.O.No.A-169/2019, Dt;04.04.2019 (**Marked as Exhibit P.E-VI**). Further, a memorandum of charge was framed against him under Rule-20 of APCS (CC&A) Rules-1991 by the Commandant-III, TSSPF, Sec'bad vide Rc.No.TSSPF/A3/PR/26/2019, Dt: 10.04.2019. Accordingly, the charged officer has submitted explanation to the memorandum of charge on 20.04.2019 and same was forwarded to Commandant-III, TSSPF by the Assistant Commandant, TSSPF Hqrs, Sec'bad. On final allocation, he was relieved from TSSPF Sec'bad and he was posted to Commandant Office, APSPF, Tirupati. The Disciplinary authority i.e. Commandant, Hqrs, APSPF, Tirupati has ordered O.E appointing me as Inquiring Authority to conduct O.E. Since the charged officer failed to attend the O.E, an ex-parte enquiry was conducted and recorded the statement of the P.W i.e Assistant Commandant, TSSPF Hqrs, Sec'bad, who has deposed statement as follows:-

Statement of Sri C. Jangaiah, Assistant Commandant, TSPF Hqrs, Sec'bad, Age-48 Years, S/o Late C.Maisaiah, recorded on 05.02.2020.

I, C. Jangaiah, Assistant Commandant am working at TSSPF Hqrs, Secunderabad and I depose my statement as per the records available in the office as follows:-

Sri P.Babu Rao, CT-5344, while he was working at TSSPF Hqrs unit, Secunderabad he was sanctioned and passported to avail (06) days Casual Leave w.e.f. 26.02.2019 (AN) to 04.03.2019 (AN) to attend his brother-in-law (wife's brother) marriage. After completion of C/L, he has to report for duties on 04.03.2019 (AN). But he failed to do so and became OSL from C/L unauthorizedly without any intimation to his superiors and he failed to inform his whereabouts to his superiors. Hence, he was treated as OSL from C/L w.e.f. 04.03.2019 (AN) and OSL report was submitted to the Commandant-III, TSSPF, Secunderabad vide C.No.06/AC/TSSPF/Hqrs/CL-OSL/2019 / 133, Dt.07.03.2019.

Further, as per the order of Commandant-III, TSSPF, Sec-bad a Recall memo was sent to the native address of the CT-5344, Sri.P.Babu Rao instructing him to report for duties immediately, otherwise necessary disciplinary action will be initiated against him Vide Recall Memo C.No. 12/AC/TSSPF/Hqrs/Recall Memo/2019/134, dt.07.03.2019.

Further, even though a Re-call Memo was sent to the native address of CT-5344, Sri P.Babu Rao, neither he reported for duties from OSL nor informed his whereabouts to his superiors. Since he was continued on OSL and completed a period of more than 10 days, a report was submitted to the Commandant-III, TSSPF, Secunderabad Vide C.No. 12/AC/TSSPF/Hqrs/OSL/2019/138, dt. 15.03.2019 requesting to take further necessary action against Sri P.Babu Rao, CT-5344. On that, the Commandant-III TSSPF, Secunderabad has sent a re-call memo to the native address of CT-5344, Sri.P.Babu Rao vide Re-Call Memo Rc.No.E3/TSSPF/Recall-memo/2019, dt. 27.03.2019, where-in he was instructed to report back for duties by tomorrow i.e on 28.03.2019 in view of ensuing Parliament Elections 2019. If he fails to report back for duties, serve disciplinary action will be initiated against him as he evaded to perform the duties during the national important Parliamentary Elections. Subsequently, the CT-5344, Sri.P.Babu Rao has reported for duties and appeared before the Commandant-III, TSSPF, Secunderabad on 28.03.2019 (FN). After that, he appeared before me and he was taken for duties w.e.f 28.03.2019 (FN).

In this connection a report was submitted to the Commandant-III, TSSPF, Secunderabad vide R.C.No.06/AC/Hqrs/TSSPF/OR (CT-5344) /2019, dt.28.03.2019, Accordingly the Commandant-III, TSSPF, Secunderabad has issued taken on duty order vide Rc.No.TSSPF/A3/PR/26/2019, O.o.No.A-169/2019, dt.04.04.2019.

Further, this office has received a memorandum of charge from the Commandant-III, TSSPF, Secunderabad vide Rc.No.TSSPF/A3/PR/ 26/2019, dt. 10.04.2019 and the same has been served on him. Accordingly the CT-5344, Sri P.Babu Rao has submitted his explanation to the memorandum of charge on 20.04.2019 and same was forwarded to the Commandant-III, TSSPF, Secunderabad for further course of action.

CROSS EXAMINATION BY THE CHARGED OFFICER

The Charged Officer has not attended to the O.E.

6) CASE OF THE DEFENDANT:

In reply to the Memorandum of Charge, the Charged Officer has submitted explanation stating that, he was sanctioned (06) days Casual Leave by the Asst. Commandant, TSSPF HQrs., Secunderabad w.e.f.26.02.2019 AN to 04.03.2019 AN. While availing Casual Leave at his native place i.e., Srikakulam on 02.03.2019, his relatives noticed that his sister has been suffering from family problems i.e., she has been harassing by her husband. Further, since he was also suffering from back pain, he attended to the family Doctor at Kasibugga for basic treatment on 05.03.2019. In those circumstances, as per the advice of his relatives, he proceeded to his sister's house at Kolkata on 06.03.2019 to solve her problems. After completion of his medical treatment and solving his sister's family problems, he reported for duties on 28.03.2019 FN at TSSPF HQrs., Secunderabad with a representation requesting to take him for duties from OSL duly treating the OSL period of (23) days as eligible leave. Accordingly, the Commandant has taken him for duties on 28.03.2019 FN.

Further he stated that, his absence is neither willful nor he exhibited negligence towards his legitimate duties. Further, he enlisted in the SPF in the year 2010 and till so far he has been working to the entire satisfaction of his superiors without any remarks and maintained a clean default sheet.

Finally, he has requested to exonerate him from the charge and OSL period of (23) days from 05.03.2019 FN to 28.03.2019 FN may please be treated as eligible leave.

7) Analysis and Assessment of Evidence:

1. The charged officer Sri P.Babu Rao, CT-5344 while he was working at TSSPF Hqrs, Sec'bad, he went on (06) days CL w.e.f. 26.02.2019 (AN) to 04.03.2019 (AN). He was supposed to report back for duties from CL on 05.03.2019 (FN). But did not report for duties and became OSL from CL w.e.f. 05.03.2019 (FN) without any intimation to his superiors.
2. The charged officer Sri P. Babu Rao, CT-5344 has not informed his whereabouts to his superiors and un-authorizedly absented for duties for a period of (23) days w.e.f. 05.03.2019 (FN) to 28.03.2019 (FN). On his personal appearance, he was taken to duty by the Commandant-III, TSSPF, Sec'bad on 28.03.2019 (FN).
3. In his explanation to the memorandum of charge, the charged officer Sri P.Babu Rao, CT-5344 has stated that due to suffering from back bone pain and to solve his sister's family problems, he could not report back for duties from CL and became OSL for 23 days. But not willful. If he was actually suffering from ill health he has to report sick at any nearby SPF unit for obtaining sick passport for medical treatment. But he failed to do so. He attended O.P at a private nursing home at Kasibugga, Srikakulam dist., on 05.03.2019 and he obtained Medical Certificate on 24.03.2019 for (20) days medical rest from 05.03.2019 to 25.03.2019.
4. The O.E intimation letters have been sent to the native address of charged officer Sri P.Babu Rao, CT-5344 through registered post vide memorandum C.No.13/Insp/SPF/TML/OE/CT-5344/2019/D.No. 1810, Dt: 16.11.2019 to attend the O.E on 02.12.2019 at O/o Assistant Commandant, SPF, TTD Tirumala.

But the charged officer did not attend to the O.E and the registered postal cover received back with the postal remarks that "Addressee left without instructions. Hence returned to sender". Further 2nd time O.E intimation letter was sent to his native address vide memorandum C.No.13/Insp/SPF/TML/OE/CT-5344/2019/ D.No.147, Dt:23.01.2020 to attend the OE on 05.02.2020 at O/o Assistant Commandant, TSSPF, Hqrs, Sec'bad. But the charged officer did not attend to the O.E and the registered postal cover received back with the same remarks. If the charged officer intend to leave from the house situated in his native place for a long period he has to furnish the present address to the Commandant, Hqrs, APSPF, Tirupati to make official correspondence if any. But he did not do so. Subsequently an ex-parte enquiry was conducted and recorded the statement of P.W i.e. Assistant Commandant, TSSPF, Hqrs, Sec'bad on 05.02.2020.

5. As per the oral evidence/statement deposed by the P.W Sri C. Jangaiah, Assistant Commandant, TSSPF, Hqrs, Sec'bad during the course of O.E and the documentary evidence, it is established that the charged officer went on (6) days CL w.e.f. 26.02.2019 (AN) to 04.03.2019 (AN). Instead of reporting back for duties from CL, he became OSL and un-authorizedly absented for duties for 23 days w.e.f. 05.03.2019 (FN) to 28.03.2019 (FN) without any intimation to his superiors.
- 8) **OPINION:-** On the basis of the oral evidence adduced before me during the course of oral enquiry and as per the statement deposed by the PW, the Article of Charge leveled against the charged officer Sri P.Babu Rao, CT-5344 is "**Proved**" beyond any reasonable doubt.

Certified that the procedure laid down in the Rule 20 of APCS (CC&A) Rules - 1991 has been followed in conducting Oral Enquiry.

P. SRINIVASULU REDDY,
(Inquiring Authority),
Inspector, APSPF,
TTD, Tirumala.

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